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**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF TENNESSEE**

2023 AUG -9 AM 8:53

US DISTRICT COURT  
EASTERN DIST. TENN.

SHAQUE JOHNSON,

REBEKIAH JOHNSON,

Plaintiffs

v.

KNOX COUNTY SCHOOL BOARD,

et. al.,

Defendants,

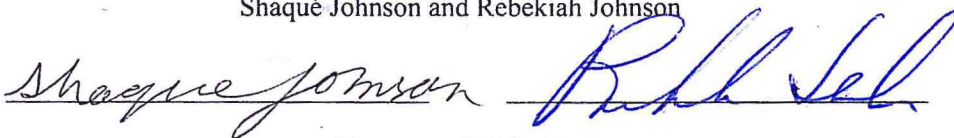
Case No. 3:22-cv-00137-JRG-JEM

**AMENDED COMPLAINT**

Pursuant to Rule 15 of the Federal Rules of Civil Procedure, Plaintiffs Shaqué Johnson and Rebekiah Johnson (collectively, "Plaintiffs") respectfully submit this Amended Complaint. Rule 15 provides that "A party may amend the party's pleadings once as a matter of course at any time before a responsive pleading is served or, if the pleading is one to which no responsive pleading is permitted and the action has not been set for trial, the party may so amend it at any time within fifteen (15) days after it is served. Otherwise a party may amend the party's pleadings only by written consent of the adverse party or by leave of court; and leave shall be freely given when justice so requires. Fed. R. Civ. P. 15(1).

Respectfully Submitted,

Shaqué Johnson and Rebekiah Johnson



Signature of plaintiffs

8/9/23

**AMENDED COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**

**Plaintiffs:** Name: Rebekiah Johnson  
Address: 68 Brasilia Ct  
Knoxville, TN 37923  
County: Knox County  
Telephone Number: 865-640-5467  
Email address: rebekiah.johnson@gmail.com

Name: Shaqué Johnson  
Address: 68 Brasilia Ct.  
Knoxville, TN 37923  
County: Knox County  
Telephone Number: 865-640-4334

**Defendants:**

Knox County School Board  
505 Summer Place  
Knoxville, TN 37902

Martin Timms (District investigator for security department)

**in personal capacity**

Knox County Security Department  
1000 N Central St  
Suite MC-9  
Knoxville, TN 37917

Fred Wade, (Educational assistant at New Hopewell Elementary)

**In personal capacity**

757 Kimberlin Heights Rd.  
Knoxville, TN 37920

John Doe (RSO at New Hopewell Elementary School)

**In personal capacity**

757 Kimberlin Heights Rd  
Knoxville, TN 37920

## INTRODUCTION

1. This is a freedom of speech, expression and right to protest case as well as a retaliation against 1st amendment rights case on behalf of Plaintiffs Rebekiah (mother) and Shaque Johnson (son) who are citizens of Knox County, TN and have children (and siblings) that attend Knox County Schools. Plaintiffs bring this lawsuit against the Knox County school board, and Martin Timms; security department investigator, and Fred Wade; teaching assistant at New Hopewell Elementary, and John Doe; RSO at New Hopewell Elementary during the 2021-2022 school year.

2. At issue in this case is whether school officials may lawfully use the board's civility code to infringe upon and regulate the free speech of community members when not on school property and whether speech on public property can be disruptive to the school's "educational process." The other issue would be whether it is okay for school employees and resource officers on school property to harass, threaten and infringe upon the rights of community members that are protesting OFF school property. These two Johnson family members were protesting on the street outside of New Hopewell Elementary because of the actions of the principal at that school which had impacted their family for the last 7 years. They chose to protest at the school because the school system (board of education, superintendent, security chief and other administrators) have refused to address or change a no trespass order that was put in place against Mr. Johnson (spouse of Rebekiah and father of Shaque) based on the lies of this principal. The school system refuses to even communicate with them. Rebekiah wrote "Brandon Pratt is racist." on one side of her sign because that is her opinion based on her family's experience with the principal and his actions. Even vulgar or offensive language is protected by the 1st amendment and her protest was done in hopes that the school would finally be willing to discuss the situation with her family and allow the public a glimpse of the way a multicultural family is/has been treated by the school system.

3. Defendants infringed upon the Johnsons freedom of speech and expression and their freedom to protest on public streets when they did NOT do the same thing to community members that protested outside of Farragut schools earlier the same year. The topic of the protests was the main difference and we believe it is only because of her viewpoint that the school system and the school employees said or did anything in this situation. As portrayed in the Farragut protests, they understood community members had a right to be there. Rebekiah's rights were infringed upon when an RSO walked to the street and tried to make Rebekiah move across the street- even though she wasn't on school property. That RSO admitted that he knew where the school property started when he told Rebekiah she could not walk behind the fence (which she wasn't anywhere near- she was almost 30 feet away from the fence.)

4. The same RSO stood right next to a teaching assistant (Fred Wade) on school property as the assistant threatened Shaque Johnson across the street for being there and threatened to physically take

his phone away from him. Shaque only pulled out his phone and started recording because of feeling unsafe and threatened by two older white males while he (a biracial young man) was out in a very white community, and he knew that the resource officer carried a gun on his person. The RSO never tried to stop the teaching assistant or tell him that Shaque had a right to be doing what he was doing. The RSO didn't attempt to protect Shaque's right to protest or try to protect Shaque at all. Fred Wade was a threat ON school property yet the RSO did nothing.

5. At issue for Martin Timms, security investigator for the school system, is whether he can apply the school board's "Civility Policy" to parent's actions OFF school property. It seems they are manipulating the civility policy to chill Rebekiah's speech and right to protest on public property (and retaliate for being bold enough to protest what the school system and that principal has done to her family.) And threaten a no trespass against her so that she doesn't ever protest at the schools again. He used the civility policy to say her protest was "inappropriate and disruptive." There were never any "civility letters" sent to any of the Farragut protesters according to a public records request, even though they walked all the way up to the school's entrances- even recording children on their phones- but that wasn't considered "disruptive" to the educational process. This civility policy was brought to the attention of the Head chair of the school board, Susan Horn, the superintendent, security chief and other administrators when the Farragut protests were happening Sept. through Nov. 2021. The email showed how the school system is able to manipulate the civility policy to use it against who they want and not against others. The civility policy is supposed to be in place to regulate speech and actions ON school property to make sure that everyone treats everyone with civility and respect and the children then have a peaceful educational environment. It does not say that the school employees or school board has the right to do anything about speech or actions off of school property which is what they are trying to assert here. Saying that someone "is racist" is not defamatory and this fact has been clearly established by law. Even vulgar or offensive language is protected by the 1st amendment. And there was no way for the protest or the words on the sign to be "disruptive" to the educational environment when the protest was done OFF school property, at the end of the day, when children were leaving. Classes would not have been able to see the signs on the street when the Johnsons first got there at the end of the day. Rebekiah Johnson's speech and freedom to protest was chilled because of the civility letter and what she has seen her spouse go through after receiving such a letter and knowing that the school system has no recourse or remedy to change a no trespass once it is put in place... regardless of whether it was based on lies. She chose not to do another protest because of this fact.

6. Defendant's censorship violates Plaintiffs' freedom of speech rights, freedom of expression and freedom to protest under the First Amendment of the United States Constitution.

7. Retaliation against Rebekiah Johnson for asserting her 1st amendment rights to protest on public property and her freedom of speech and expression is against the law.

## **I. JURISDICTION AND VENUE**

6. Plaintiffs bring this case based on 42 U.S.C. § 1983 for deprivation of rights and privileges secured by the Constitution.

7. Venue is proper based on the fact that the unlawful practices complained of occurred within this district and division. The school system, and its employees are liable because they acted under color of state law.

## **II. PARTIES**

8. Plaintiff Rebekiah Johnson is a parent of children within the Knox County school system. She is the spouse of Charles Johnson who in our opinion (based on factual evidence) was racially prejudiced by Brandon Pratt when he was the principal at Northshore Elementary school in Knoxville.

9. Plaintiff Shaque Johnson is a former Knox County Schools graduate and the sibling of children that still are students within Knox County Schools. He has seen the way the No Trespass lie against his father has impacted himself and his siblings' education over the last 7-8 years.

10. Defendant Knox County School board is the municipal entity that has authority to create policies for the school system.

11. Defendant Martin Timms is the Lieutenant Investigator at Knox County Schools security division who sent the civility letter to Mrs. Johnson threatening to no trespass her from all school properties if she protested again. His letter was sent regarding her "inappropriate and disruptive" protest according to the school boards' "civility code" even though Mrs. Johnson was not on school property during her protest. He is sued in his individual capacity.

12. Defendant Fred Wade was a teaching assistant at New Hopewell Elementary school at the time of the protest. He should have been trained to abide by Knox County School's policy regarding acting with civility towards students, parents, employees, community members and stakeholders in the school system and should have been trained to understand that people have 1st amendment rights to protest on public streets and sidewalks even if it is in front of a school, and he, as a government employee, does not have the right to infringe upon that right. New Hopewell Elementary school is within Knox County School district. He is sued in his individual capacity.

13. Defendant John Doe RSO was the resource officer at New Hopewell Elementary School in Knoxville, TN on March 31st, 2022 when the Johnsons protested outside of New Hopewell Elementary School. He is to provide security to the school and follow Tennessee laws and school policies when on

school property which includes abiding by the constitution and respecting community members constitutional rights. He admitted to knowing where the school property is located by telling Rebekiah Johnson not to go by or behind the black fence. He had a duty to protect Shaque Johnson's constitutional right to protest on public property and to tell Fred Wade to not interfere with that right and to keep the peace. He is sued in his individual capacity.

14. Defendants Timms, Wade and John Doe, at all times relevant to this case, were acting under color of law.

### III. STATEMENT OF FACTS

15. On Thursday, March 31, 2022 Rebekiah and Shaque Johnson brought two signs to hold outside New Hopewell Elementary in Knoxville, TN at the end of the school day when kids were leaving and parents that picked up their children could see the signs. The protest was to bring attention to the racism within the schools and administration that the Johnsons had experienced through principal Brandon Pratt. This is something that should concern the entire community. His actions have permanently impacted the educational experience of the Johnson kids while they are enrolled in the Knox County School system by removing their father from ALL Knox County schools. The sign Shaque held across the street from one of the parking lot exits/entrances said ***“Mr. Pratt was wrong. Read eagleswithcolor.com”*** and the other side read, ***“The TRUTH about Principal Pratt, eagleswithcolor.com.”*** Rebekiah walked along the street on the side of the school with her sign that read ***“Mr. Pratt is racist. eagleswithcolor.com”*** on one side and the other side read, ***“The Community needs to know! eagleswithcolor.com.”*** They didn't think they would run into any issues doing this since they were on the street which is public property and the school had previously done nothing and said nothing to protesters at Farragut schools about the mask mandates earlier that year.

16. KCS has a proven track record of disparities towards families of color as displayed by the necessity of community meetings addressing disparities in education that were put together by administration about 8 years ago. KCS is blatant about their disregard and disdain towards melanated families and it has yet to be corrected. KCS' intrusive unchecked system or way of doing things has bled over to them infringing on parents' (families) constitutional rights to freedom of speech when families of color are both on property and now OUTSIDE of the school property on public property. Principal Brandon Pratt has exhibited this same attitude and prejudiced speech and actions when he was principal at Northshore Elementary School where the Johnson children attended. The Johnsons brought a complaint to the office of Civil Rights about his behavior and Knox County received a letter mandating federal mediation with the Johnsons. His actions towards Mr. Johnson were unjustified. Within 2 weeks of receiving the letter from the OCR, Knox County Schools retaliated by putting the no trespass in place based on lies from Mr. Pratt. Mr. Johnson was never given an opportunity to address and rebut the no



trespass once it was put in place. The Johnsons have tried every year to address this permanent order with new school board members, superintendents and the new security chief. This is a small piece of what led to the protest with signs addressing the matter.

17. As school was letting out, Rebekiah was walking as close to the street as possible (there are no sidewalks on that street), and was walking between the two exits/entrances holding her sign. She stopped for a minute close to the entrance to the driveway so parents could read the sign as they drove into the parking lot. The school RSO walked off the property and came up to Rebekiah on the grass and told her she needed to move across the street. Rebekiah pointed out that she was on public property and had a right to stand where she was standing. The officer then said, "Yes.. As long as you don't go behind the fence." Rebekiah was nowhere near the fence which was almost 30 feet away. The RSO then walked away.

18. Rebekiah continued walking along the street and only spoke with people that asked her questions. She was not impeding any traffic, she was not making a scene, she was not loud or trying to start a fight, she was simply peacefully walking along the road.

19. Shaque stood silently across the street from the other exit of the school so parents could see his sign as they left the school parking lot. While he stood there, the RSO and another older white gentleman who was later found to be Fred Wade, a teaching assistant at New Hopewell, walked up along the driveway from the school and stood by the large brick columns at the exit. For some unknown reason, Fred Wade started addressing Shaque across the street. Shaque decided to pull out his phone because he wasn't sure what might happen with a white older man who seemed angry that Shaque was standing there and Shaque knew the RSO carried a gun. Knowing the history in America (and especially the south) of young black men and white police officers with guns, he felt it necessary to record the interaction. Shaque only responded to what Fred Wade was yelling across the street at him. The RSO did not stop Fred Wade from yelling at Shaque, he did not tell Fred Wade that Shaque had a right to protest where he was and that they couldn't infringe upon that right. Shaque assumed Fred Wade was on the clock because kids were still leaving and other teachers still stood at the entrance and the RSO was still standing with him at the school gates. Fred Wade told Shaque he couldn't be recording, and Shaque told him he could. Fred Wade threatened Shaque that he would come and take his phone from him. Still the RSO did nothing. It was only when most of the cars had cleared the parking lot that Fred Wade and the RSO walked away. Fred Wade was acting outside the scope of his duties as teacher's assistant and clearly violated Shaque's rights by trying to infringe upon his right to protest. And the RSO did not act in good faith and also clearly violated the constitutional rights of both Shaque and Rebekiah. He violated Rebekiah's rights by trying to tell her to move across the street and interrupting her peaceful protest. And Shaque's because he allowed

Fred Wade to interrupt Shaque's peaceful protest and did not protect Shaque's constitutional rights like the protesters who were free to do what they wanted in Farragut without impingement of their protest.

20. Once the school driveway was pretty much cleared out, the Johnsons decided to pack up their signs to leave. They called Mr. Charles Johnson on the way home to tell him about what Fred Wade had said and done to Shaque and what the RSO had said and done to Rebekiah.

21. Charles Johnson started putting together a complaint to send to the superintendent and administration about what the RSO and Fred Wade said and did and emailed it to administration on Monday, April 4th, 2022. It said,

**"Knox County schools superintendent, Assistant superintendent, Chief of staff Renee Kelly and Russ Oaks who is the head over the security department: Mrs. Johnson and one of my sons, decided to visit another school within our tax paying boundaries to bring transparency to what continues to infect my family. They both expressed their right to protest and be free of any type of harassment when they were confronted by the RSO and a teacher from the school. They both, in true Johnson form, stood for the truth in another community in Knox County. I told Mrs. Johnson said that even officer Boone (at BlueGrass) didn't come over to us because she knew where the boundaries begin and end. I don't know if this white male thought that she was a baby's mama. You know, some white woman who has a black child and is complaining about racism. He didn't know that she is married to a more than capable, educated and resilient, black man. I don't know if people realize that (especially after George Floyd and Ahmaud Arbery) people are more aware now. I've told people on social media and in the community that Black and Brown people in America, and a few allies that have close relationships with us, are done. This is our civil rights time period that our parents told us about. It's actually been a little longer for me since racist behaviors started to visit the family 11 years ago from Knox county. I was raised up North so I didn't have that "yessa massa" attitude and that seemed to upset the administration.**

**Anyways....Complaint: A school resource officer decided to approach Mrs. Johnson. He didn't know her well enough not to do that. He shouldn't have done it in the first place. If I was there, he would have gotten educated real quick and then probably had to call Paul Pinkston so he can get educated again. And by the way you can also let me know what his name is (from New Hopewell Elementary) or I could go through other channels and ask in other ways, but an employer/parent wants to know who one of his employees are. This resource officer decided to walk up to Mrs. Johnson and tell her she could not be standing where she was and needed to move across the street. That was a lie. I believe he violated her right to protest, right? She informed him that she was standing where she legally could. He said, "you're right. Just as long as you don't go behind the fence." When she told me about it, my first thoughts were that he shouldn't have been walking up to her in the first place since she was "right". I guess his little arrogance, supposed power and pride, he had to say something to sound like he was putting up a boundary. Maybe he was just trying to intimidate her and thought he'd get away with it. \*free speech and right to protest violated\* So my expectation is that Knox County schools (Russ I think that's gonna have to be you because Jason Periard has been silent) will let me know that this has been handled correctly. I don't want to hear all that garbage about employee records and all that stuff. I just want to know that it was handled. Knox County schools have a bad habit of backing each other's garbage up. If I felt like driving up there to the country I would ask him why he chose to speak to her in the first place. I would make sure that he doesn't do that to her again or to ANY other parent if they are within their rights and clear up the confusion on who he actually works for.**



Next complaint, Secondly, a white man with white hair (who said he was a school employee) decided to interact with my son who was across the street from the school. I will say that again. A white man with white hair decided to interact with my son and yell at him across the street. Now being in true Johnson knowing how Knox county schools administrators and different people lie, my son Shaqué took out his phone and started recording. This man told my son that he could not record him (which by the way my son was NOT doing until this white man decided to interact with him.) My son says he got a little fearful because you have two white men talking to each other and one of them has a gun. I believe that white male teacher was being "uncivil" and the Resource officer was complicit. The "officer" should've told him to mind his business. But as KCS "white men" often, not all and especially in administration(school security) and in the USA for generations back each others arrogance and evil up. This aggressive and "uncivil" teacher said that he would come over there and take my son's phone from him. That sounds like a threat of violence. There were some sort of comments made to my son about what the teacher could do since he was not working at that time or he was off of school property. My 19 year old son is a physically fit black man. We all know that black americans are physically faster and stronger than our white counterparts. So here comes a heavy set, overweight, white man threatening my son and the resource officer is standing right there with this man. My son knew not to be across the street. I guess it was easier for a white woman (his mother) to be near the school, than a young black man to be across the street. Why was my son seen as a threat but not his mother who was closer to the school? This teacher didn't approach or say anything to his mother, only him... and we can easily speculate why. Had I been the one across the street, I know how to handle grown people. I've been rebuking and teaching Knox county people for years. Here's another teaching moment: What if this white man had taken the situation further and acted on his threats to my son? This hypothetical situation could have happened.... This white man decided to come over there to my son and then got his butt whooped and the resource officer decided to interact with my son as well. There begins an altercation as my son is within his rights to protest across the street or live free. If these two white men were losing what they started, and the officer feared for his life or the life of the overweight white man.... the RSO could have wounded or fatally killed my son. What would be the narrative? Wait, what would your KCS/white southern narrative be? My son was across the street. If my son was hurt in any way, fashion or form, there would not be a restraint in the world that would hold me back. I will repeat that again, there would not be a restraint on this planet that would hold me back if something had happened to my son. Let's see how Knox County schools are going to spin this or just ignore this. I'm sure you've already spoken to those two people. I'm sure they've already told you their versions of it. We will not be giving any type of recording to Knox County schools. And as I have said over the years, you will go by what your employer says. Your employer doesn't even have to prove anything for you to believe them without question. Someone can contact me via email by Wednesday 5 PM. I don't know if the resource officer had a body camera or if the school cameras were able to catch the interactions. If so, please have some integrity to look at the reality of what occurred." Mr Johnson and family

22. Rebekiah Johnson received a letter from investigator Martin Timms on April 7th, 2022 on letterhead from Bob Thomas, superintendent. It was dated April 1st, 2022. It read,

"Ms. Johnson, It has come to the attention of the Knox County Schools Security Division that your recent protest at New Hopewell Elementary School has been inappropriate and disruptive. As a result of this behavior, you are being issued a civility code letter. Your actions are in violation of Knox County Board of Education Policy B-230,

with particular attention to EXPECTATIONS, line (24) which reads: 'Students, faculty, staff, parents, guardian and all other members of the community shall: (24) Refrain from behavior that threatens or attempt to disrupt school or school district operations; physically harms someone; intentionally causes damage; employs loud or offensive language, gestures, or profanity; or inappropriately shows a display of temper.' Further violations in Knox County Schools Board Policy B-230 may result in you being banned from coming on to any property owned or controlled by Knox County Schools. Please understand that all Knox County Schools property is 'controlled access' property. This means, by state law and school board policy, the school system has final authority on who may or may not be on campus at any time, for any reason. You also need to make yourself aware of the following state laws. Tennessee Code Annotated 39-14-405 makes it a criminal offense to remain upon the property of another when you know that you do not have permission to be on the premises. Tennessee Code Annotated 39-14-406 states that such a trespass is aggravated if your continued presence on the premises causes others to fear for their safety. Tennessee Code Annotated 39-17-305 makes it a criminal offense to engage in violent or threatening behavior, or to create a hazardous or physically offensive condition in a public place. I have also enclosed a copy of our Knox County Board of Education Civility Code for your review." Lieutenant Martin Timms Knox County Schools Security Division.

23. Rebekiah Johnson immediately responded the same day to the letter by sending an email to Jason Periard (chief of security), Martin Timms, Charles Johnson, Gary Dupler (Knox County Lawyer), Russ Oaks (KCS admin) and Renee Kelly (KCS chief of staff at the time) as well as an investigator from the state. Her response said,

"I'm in receipt of your letter to me pertaining my protest at New Hopewell elementary school on Thursday, March 31st where I stood by the road (and walked in the ditch)- NOT on school property- holding a sign. I will use your verbiage 'You also need to make yourself aware...' I don't know who you think you are or whose child you think I am, or whose spouse you think I am... but that's not how you talk to 'stakeholders'/parents or your employers in this community or another man's wife. So in a nutshell, you need to correct your misogynistic speech. This letter is a little timely- I'm receiving this after my family sent in a complaint about the RSO and teacher from New Hopewell. So is this retaliation for that complaint? I understand what you were trying to do with including TCA examples but those do not apply to this situation. Your title is district investigator... I'm sure you investigated where I was standing and what I was doing and are choosing to disregard those facts by threatening me with Tennessee laws. It shows your lack of integrity, civility and common sense. Again- this can be seen as retaliation for me expressing my grievances as is my right. I was 100% within my 1st amendment rights to stand there- NOT on school property- or maybe you aren't familiar with the 1st amendment. The first amendment says, 'Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.' This is what I was doing. I have a grievance and this governmental body (the school system) has not addressed it so I'm bringing attention back to the matter and how Mr. Pratt and his supporters AKA Knox County Schools harmed and mistreated my family with RACISM. I was neither 'inappropriate or disruptive.' What has been inappropriate and disruptive is what Brandon Pratt and Gus Paidousis did to my family with their racist lies and it still impacts us 6 years later. I was not threatening anyone or disrupting school or school district operations. School was all but over. It was at the end of the school day when everyone was leaving. I didn't physically harm anyone or cause any damage. I wasn't loud. I simply stood

there. I only spoke to people that spoke to me or asked questions. I didn't use any profanity or display a temper. When your RSO came OFF the school property to talk to me by the street- he asked me to stand across the street with my sign. Being the INFORMED citizen that I am, I told him no, and that I had a right to stand where I was and that I wasn't on school property. He then agreed with me and said I was fine as long as I didn't go behind the fence (which he didn't have to say because I was nowhere near there and I knew where I needed to be.) He disrupted my freedom and right to protest. So please tell me what exactly it is that you think I did that was 'inappropriate and disruptive' besides calling out racism and white comfortability. I will not accept blanket statements. The person you should be sending the civility coffee to would be the teacher who threatened to come across the street to hurt my child who was simply holding his sign to highlight our grievances. We expect a response concerning that. My son was exercising his freedom and rights as well. I've attached the teacher's picture so you know who I'm talking about. And a civility letter should be sent to the RSO that stood by that man and didn't do anything to stop him from being uncivil in that moment. Again- policy doesn't seem to be applied to Knox County employees like it does to parents- especially black parents or parents of black children. That sounds a bit discriminatory. That discrimination has consequences. In the beginning of the year, your department showed the entire county that protesting with signs outside of a school AND on school property AND in children's faces was okay when parents were protesting the mask mandate. As a matter of fact, Mr. Johnson verified with public affairs that none of the people involved in the protests at Farragut primary and middle school or high school received any civility code letters. Those people walked right up to the front doors of the school and actually took VIDEOS they posted online yet they were allowed to do that repeatedly. They were intimidating to the children coming into the schools and created an unsafe environment. I intentionally gathered pictures when this was happening to show the bias and RACISM in the security department and how Knox County security department treated these people completely different than you treated families of color. I'm including the pictures I have from parents at Farragut that endured the people protesting masks and pictures that were posted online. What's offensive is racism. It is white male pride to talk about offensive conduct when it comes to a parent but never apply it to school employees like Brandon Pratt and Gus Paidousis. Knox County schools does not dictate how I speak up on behalf of my family. Being an American or naturally born citizen- who do you think you are? Mr. Johnson said, 'They don't want to have to explain to white children about the racism that black children deal with daily.' The word 'racist' is only offensive to those that are. My sign expressed what my family had experienced from Mr. Pratt and Gus Paidousis and their supporters. It was a fact. Both my parents were elementary school teachers and I helped out in their classes a lot. So I understand the educational environment more than you do. I was not born and raised in the south- so again- who do you think you are speaking to? Since you work for me- I expect a response to this. @Russ Oaks- since you are included in this communication- isn't this the second time my actions were misconstrued and had to be corrected? I'd be happy to speak in front of the school board and start other processes if this becomes necessary."

24. That letter ensured that Rebekiah and Shaque would not protest about Brandon Pratt again because she knew that at least one of the Johnson parents needed to be able to go on school property to pick their children up when sick or drop them off after appointments or pick them up after school if necessary or bring in forgotten items. Sharles Johnson is forbidden from doing any of that since he can't come on any school property. She saw how the school administration put his no trespass order into place

and refused to remove it despite showing them that the no trespass was built on lies from Brandon Pratt. So she knew she couldn't do anything to jeopardize that at all- it's been hard enough on their children not being able to have their dad be at school with them, read in their classes, eat lunch with them, do announcements in the morning, help with parties and field trips.. All the things he was able to do with the older Johnson children.

25. Mr. Johnson also responded after the email Rebekiah sent Martin Timms on 4/7/23. His email read,

**"It takes a bold man on this planet to tell their mother what she needs to make herself aware of. She can speak up for herself. She laid out the truth law and educated you in the process. I have told her it is OK to take the time to raise adult children who somehow have missed something in their upbringing education and training. She's born and raised in the Midwest as I was. So of course she'd check misogyny and give out facts. \*She cried one time in college. Because she got an A minus\* I did tell her that would be an interesting conversation if he were to speak with you like that and I'm ( or her 5 sons were there) standing right there. I mean even my 7 year old son would explain how to talk to somebody talk to somebody and who works for who. As KCS has shown few respond because they're use to saying whatever and not getting checked. Mrs. Johnson and my son were standing exactly where they knew they could and where they were instructed. I don't know who didn't check your "work" or help you do your due diligence(like the NO Trespass lie). KCS need to stop laying down on each others hills. I believe this was retaliatory and shows KCS chooses what to address. That seems a bit "discriminatory". Question: Where in the book of all things Black America does it say a "white" man decides the word "racist" is derogatory. If you dismantle racism then black families don't need to call it out, address it or "protest". Josh P (he meant Jason P) aren't you supposed to be educating them? I'll make sure this moves to the next area of grievance. I've attached the boundaries for reference. When will we hear about the threats to me son. Who wasn't on school property?" Mr. Johnson**

26. No administrator or school employee responded to any of the communications or complaints emailed by any of the Johnsons. This is what they are used to. The school system will send a threatening letter with no specifics and then refuses to respond to any other communications. This is their experience up and down the administrative totem pole and the reason why the Johnsons felt they needed to make a public display of their grievances since reaching out to administration has resulted in silence. These letters also aren't the first time the Johnsons have brought the civility letter to the attention of the school board and administration. When the protests in Farragut started, Mr. Johnson sent an email on Monday, September 27, 2021 to Susan Horn (BOE chair woman), Gary Dupler, superintendent, Jason Periard, Paul Pinkston, and Rebekiah Johnson. (The letter will be included as an exhibit so you can see that the protests and the civility policy had already been brought to their attention.)

27. The Johnsons desire to continue protesting until the school system finally listens and actually sits down with them, but because of the threat of another no trespass, Rebekiah and Shaque have chosen not to do so anymore. They have refrained from expressing their beliefs and viewpoints about how racism has affected their family throughout the school system.



28. The issue at hand is protected speech. Their speech was neither disruptive or inappropriate as described by Martin Timms. The educational process was not disrupted. Defendants censorship infringes on and has chilled the plaintiffs' speech.

29. Unless this court intervenes, Defendants will continue to infringe upon the rights of those whose messages they don't agree with- despite being protected by the first amendment. They will continue to remove people from school properties because they can "at any time and for any reason" because schools are "controlled access" properties. They will continue using the civility policy to chill the speech of those they want to silence both on and off school property despite the policy not extending authority to off campus activities and speech. And they will continue to recognize the first amendment freedoms of only those who they agree with (as seen by how they handled the Farragut protesters.)

### **CLAIMS**

#### **FIRST CLAIM**

##### ***Violation of First Amendment; freedom of speech***

##### ***(Against all Defendants 42 U.S.C. § 1983)***

30. Plaintiff realleges and incorporates by reference all of the preceding paragraphs in this complaint. Plaintiffs are being deprived by Defendants their rights secured to them by the 1st Amendment of the United States Constitution. Knox County School's Security Department, as a government entity, has "no right to abridge the freedom of speech" of people outside of school grounds.

31. The government/security department may not impose civil liability on people or organizations based on what they say or write, except in exceptional circumstances. That is what they are trying to do to the Johnsons by sending the civility code letter and threatening a no trespass on all Knox County School properties if the "inappropriate and disruptive" protest continues. It seems the school system wants the authority to punish parents' speech wherever it occurs.

32. Mr. Johnson rightfully filed complaints and grievances with the security department about the volatile behavior from the RSO and New Hopewell teacher, Fred Wade. They have ignored this complaint and refuse to respond and walk through the Knox county school's grievance process. KCS has an irrefutable habit of excluding parents who speak about racism and who they don't like. After KCS dragged their feet about previous grievances, the Johnsons are not going to let the school toll the statute of limitations this time with their discriminatory grievance process and then not respond. In depriving Plaintiffs of these rights, Defendants acted under color of state law. This deprivation under color of state law is actionable under and may be redressed by 42 U.S.C. § 1983.



## **SECOND CLAIM**

### **Violation of First Amendment: freedom to protest**

***(the right of the people peaceably to assemble)***

***(Against all Defendants 42 U.S.C. § 1983)***

33. Plaintiff realleges and incorporates by reference all of the preceding paragraphs in this complaint. They are trying to take away the Johnson's freedom to protest by sending the civility code letter and threatening a no trespass on all Knox County School properties if the "inappropriate and disruptive" protest continues. A protest is not "inappropriate and disruptive" just because the school doesn't like the message. Even offensive and vulgar words are protected by the 1st amendment. Defendants' actions are, in whole or in part, unlawfully motivated by their disagreement with the Plaintiff's viewpoint concerning their grievances with the Principal at New Hopewell Elementary, Brandon Pratt.

34. The security department and school system do not have the ability to "*prohibit the right of the people to peaceably assemble.*" The Johnsons were not protesting on school property. They were not threatening to or disrupting school or school district operations- this protest was done at the end of a school day as children were being dismissed - and again, was not on school property. The protest was done by the street, on the grass, and across the street- there is no sidewalk near this street- just a ditch a few feet away and that is where Mrs. Johnson stood. That is legally the right of way and considered public property. The black fence surrounding the school is roughly 30 feet from the middle of the street and Mr. Johnson has confirmed with Knox County property evaluators where the school property begins and ends. Therefore the security department had no right to try to regulate their speech or grievances outside of the school property. The RSO should be trained to understand the rights afforded to people in both areas. The RSO agreed that Mrs. Johnson was standing where she could when she corrected him about being off property. Yet a week later, the letter was sent about the civility code.

35. Mr. Timms, Jason Periard and Paul Pinkston as well as Russ Oaks (who is over the security department) need a better understanding of the law. This attempt to quash their right to protest was done under color of state law and is actionable under and may be redressed by 42 U.S.C. § 1983.

## **THIRD CLAIM**

### **Violation of First Amendment: Freedom of Expression**

***(Against all Defendants 42 U.S.C. § 1983)***

36. Plaintiff realleges and incorporates by reference all of the preceding paragraphs in this complaint. Knox County security department was trying to restrict the Johnson's rights to express their grievances with Knox County schools and principal Brandon Pratt based solely on the substance of the

message that was being communicated rather than the method that it was being expressed. It clearly constitutes unlawful viewpoint discrimination. If standing with signs outside of a school was what they were really upset about, then the adults who were protesting the mask mandate with signs outside of Farragut schools, on school property, in children's faces, would have received the same treatment. The violation of the Johnson's freedoms of expression is being done under color of state law and is actionable under and may be redressed by 42 U.S.C. § 1983.

#### **FOURTH CLAIM**

##### **Retaliation for Exercise of 1st Amendment Rights**

##### ***(Against all Defendants 42 U.S.C. § 1983)***

37. Plaintiff realleges and incorporates by reference all of the preceding paragraphs in this Complaint. The Knox County security department decided to retaliate against Mrs. Johnson's protected expression of airing a grievance with a government body (the school and school board). The "civility code" letter that Martin Timms (security department investigator) sent was an adverse reaction to the protest and it's message and for most parents, the fear of the no trespass order being filed against them from the school system where their children attend would deter most normal people from continuing to air their grievances. This actionable threat of the civility code and no trespass was made only in response to the protest done outside of New Hopewell Elementary School in Knoxville, TN on March 31, 2022. And *the civility letter being aimed only at Mrs. Johnson and the protest shows that they did not agree with the message that Rebekiah Johnson was expressing yet didn't do the same to her son, Shaqué.*

38. Plaintiffs have attempted to address their concerns with Knox County school administrators and the school board for years and have also brought it to the ombudsman's office. Nothing has come of it, they refuse to even reconsider anything. So the Johnsons decided to protest at some schools to bring attention to their grievances so that maybe Knox County Schools will finally pay attention and want to figure things out. Instead of addressing the grievance, Knox County Security department retaliated with a "civility code letter" and threat of a no trespass against Mrs. Johnson on ALL Knox County School properties if she continued her protest, just like they did to Mr. Johnson six years ago.

39. This is opposite of what they did when parents protested the federal mask mandate in the beginning of the year. Adults in Farragut, in front of Farragut intermediate and middle schools protested for weeks against the mask mandate. According to school records, not even ONE of those adults received a "civility code letter" or threat of a no trespass despite the fact that those adults protested ON school property- all the way up to the school doors and also recorded children on their phones, on MULTIPLE occasions. If that protest was allowed and actually did disrupt school operations (children were impeded

from using the sidewalk to walk to the entrance of their schools at the beginning of the school day), why did they not all receive the same letter that Mrs. Johnson immediately received following her protest? It seems it is because the security department was retaliating for the messages displayed by the Johnsons, but didn't care about the message in opposition of the mask mandate. This retaliation was done under color of state law and is actionable under and may be redressed by 42 U.S.C. § 1983.

To help Knox County schools understand and **to make themselves aware** of the Johnsons inalienable rights:

### **PRAYERS FOR RELIEF**

Wherefore, Plaintiffs respectfully requests the following relief:

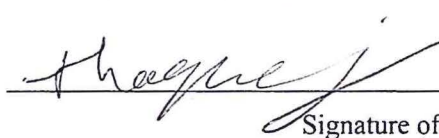

1. Reaffirm that KCS understands that the First Amendment is intact for the Johnson Family. And Just because KCS is uncomfortable with a word they have NO right to regulate it.
2. KCS be reprimanded and change their grievance process. And respond to all people and not ignore racism. With this level of egregious behavior, a complicit administration and board along with a completely arrogant security department, we are positive this isn't the first time KCS has threatened, coerced, or manipulated parents from following through with a complaint. This will send a message.
3. Knox County school's administration, central office and especially Knox County schools security **be made aware** that persons or families can speak to their community about racism or "race-ish" behaviors from KCS. This shows another disparity within Knox County Schools that needs to be exposed.
4. KCS is bold about retaliation by sending No Trespass letters. This will send a clear message that KCS cannot manipulate interactions and the law to quiet families of color.
5. An order requiring a temporary restraining order to make sure KCS doesn't interfere with legal protest.
6. Knox County schools and its security department would make a formal apology to all plaintiffs and family in writing.
7. That the courts would reprimand KCS and the security department involved with violating plaintiffs rights.
8. KCS would have someone come in from outside of Knoxville, with no political affiliation or any affiliation with Knox County, to train, equip and fumigate the racist systems and structures within Knox County Schools.
9. That KCS would affirm they are aware of the right to bring grievances without retaliation.
10. KCS would NO longer misuse State of Tennessee law to manipulate or coerce.

11. That there would always be 2-way communication and that Knox County Schools would stop speaking AT parents in person, policy and paperwork and start speaking WITH parents.
12. An order that the Knox County Schools security department and all personnel would be notified of the outcome of this case.
13. The security department and their Chief Jason Periard, Paul Pinkston and Mr. Timms need to be culturally educated on a continuous basis.
14. The whole security department and upper administration under that their behaviors need to be cordial.
15. When families of color speak up it's NOT seen as violence and not knowing their place.
16. Cultural competency and ethics training for all teachers and administration in the central office, including the superintendent and all supervisors.
17. Knox County Schools would have 5 days to respond to a parent's grievance.
18. Affirm that the school system can not retaliate for a parent exercising their rights or remedies.
19. The Ombudsman office will be dismantled until KCS can make sure the department is objective and KCS isn't their boss. It's a conflict of interest.
20. That KCS would be held accountable for the emotional trauma and duress, the cultural humiliation, loss of reputation, the continual violation of constitutional rights, and the stigma that has been attached to the Johnson family.
21. The courts would affirm that Knox County Schools should not be contentious when a parent brings a grievance/complaint to them.
22. KCS would be objective and take the parent (employer) at their word instead of doing anything and everything they can to "chill" someone from continuing their grievance process.
23. KCS would be reprimanded (educated) over the misuse of Tennessee state laws.
24. We request compensatory and consequential damages, including for emotional distress caused by defendants.
25. Award to plaintiffs the amount of \$30,000,000.00 in punitive damages for violations of the First Amendment, "color of law, misogyny, irreparable harm, anguished blatant disregard for common sense, insult parent(child) relationship, "disruptive" attitude towards exercising the plaintiffs constitution rights, conspiracy to violate rights, the blatant "inappropriate" letter of retaliation to quash a valid and appropriate grievance. The audacity to lie, manipulate and try to No Trespass another parent. The complete arrogance to think a MOTHER cannot go or be where her biological children are because she spoke out about issues infecting her family.
26. An order granting such further and different relief as this Court may deem just and proper or that is necessary to make the Plaintiffs whole.

### DEMAND FOR JURY TRIAL

Are you demanding a jury trial? (check one) ☒ Yes ☐ No

Signed this 9 day of August, 20 23

   
Signature of Plaintiffs

### Exhibits

(Exhibits 1-15 will remain from the original complaint-

I will add an asterisk by the exhibits I am including in this amended complaint)

**Exhibit 1** (Page 1) request to Joshua Flory regarding Farragut protesters receiving no trespass letters

**Exhibit 2** (Page 2) response from Joshua Flory, communications specialist for Knox County Schools

**\*\*Exhibit 3** (Page 3) complaint from Mr. Johnson titled "Threats and Rights violations?" emailed Monday, April 4th, 2022 to superintendent, chief of staff Renee Kelly, and Chief Operating Officer Russ Oaks

**\*\*Exhibit 4** (Page 4-7) Civility letter and policy addressed to Mrs. Johnson

**\*\*Exhibit 5** (Page 8-9) Mrs. Johnson's email response titled "Civility code letter about New Hopewell School" to the civility letter received the same day (Thursday, April 7th)

**Exhibit 6** (Page 10-12) Pictures of the Farragut protesters and posts about them online

**Exhibit 7** (Page 13) Property Map of New Hopewell Schools property lines at 757 Kimberlin Heights Rd showing where Shaqué Johnson was standing and where the fence to the school is.

**Exhibit 8** (Page 14-15) Copies of the signs held by the Johnsons at the protest.

#### NEW EXHIBITS:

**\*\*Exhibit 9** email from Sharles on 4/7/22 after Rebekiah email about Martin Timms letter

**\*\*Exhibit 10** email from Sharles on 9/27/21 about the Farragut protests

**\*\*Exhibit 11** email from Jim Snowden senior director Engineering and Public Works about right of way

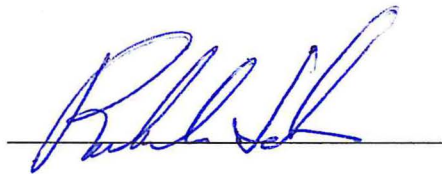
**\*\*Exhibit 12** pictures of New Hopewell Elementary satellite view, street view, both entrances, picture from the street showing how far the black fence and actual school property are back from the street- these will show where Rebekiah walked, where Shaque stood and where the Defendants stood across from him.



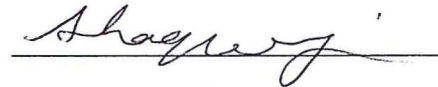
## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and exact copy of the foregoing Plaintiff's motion was properly addressed to counsel and hand delivered this 9th day of August 2023, at the following address:

David M. Sanders  
Senior Deputy Knox County Law Director  
400 Main St, Suite 612  
Knoxville, TN 37902



REBEKIAH JOHNSON



SHAQUE JOHNSON